



CITY OF MORGAN HILL  
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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## PLANNING COMMISSION

TUESDAY, DECEMBER 2, 2003

CITY COUNCIL CHAMBERS  
CIVIC CENTER  
17555 PEAK AVENUE  
MORGAN HILL, CA

### COMMISSIONERS

CHAIR JOSEPH H. MUELLER  
VICE-CHAIR CHARLES D. WESTON  
COMMISSIONER H. GENO ACEVEDO  
COMMISSIONER ROBERT J. BENICH  
COMMISSIONER ROBERT ENGLES  
COMMISSIONER ROBERT L. ESCOBAR  
COMMISSIONER RALPH LYLE

SPECIAL MEETING - 7:00 P.M.

\*\*\* A G E N D A \*\*\*

### NOTICE TO THE PUBLIC

*The following policies shall govern the conduct of the Planning Commission meetings:*

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
  - *Those supporting the application*
  - *Those opposing the application*
  - *Those with general concerns or comments*
  - *Presentations are limited to 5 minutes.*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH  
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

**OPEN PUBLIC COMMENT PERIOD (5 MINUTES)**

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

**MINUTES:** November 11, 2003

**NEW BUSINESS:**

1. **DEVELOPMENT AGREEMENT AMENDMENT, DAA-05: MALAGUERRA-ANSUINI/MANCIAS:** A request to amend the development agreement for a 13-unit Measure P project to allow for a one-year extension of time for the construction of the six, Phase II units. The subject site is located along the south side of Malaguerra Ave. in the R-1(20,000)/RPD Zoning District. (APNs 728-35-016 & -017)

**Recommendation:** Open Public Hearing/Adopt Resolution No. 03-90, with recommendation to forward to the City Council for approval.

2. **DEVELOPMENT AGREEMENT AMENDMENT, DAA-02-07: SHAFER-BAMDAD:** A request to amend the development agreement for a 15-unit Measure P project to allow for a one-year extension of time. The subject site is located west of Hill Road, at the terminus of Shafer Ave. and Katybeth Way, north of Conte Way in an R-1(12,000)/RPD Zoning District. (APN 728-10-005)

**Recommendation:** Open Public Hearing/Adopt Resolution No. 03-91, with recommendation to forward to the City Council for approval.

3. **DEVELOPMENT AGREEMENT AMENDMENT, DAA-00-08: BERKSHIRE-SINGH:** A request to amend the development agreement for a four-unit Measure P project to allow for a six-month extension of time. The subject site is located at the northeast corner of Hale Ave. and Llagas Rd in an R-1(7,000) Zoning District. (APN 764-23-054)

**Recommendation:** Open Public Hearing/Adopt Resolution No. 03-92a, with recommendation to deny development agreement amendment request for a six-month extension of time.

4. **SUBDIVISION, SD-03-11/DEVELOPMENT AGREEMENT, DA-03-10: COCHRANE-COYOTE ESTATES:** A request for approval of a 25-lot subdivision and development

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agreement for Phases 8 through 10 of the Coyote Estates development on a 7.2-acre site located on the north side of the intersection of Cochrane and Peet Roads, on both sides of Peet Road, in the R-1 12,000/RPD zoning district. (APN 728-43-039 & 040)

**Recommendation:** Open Public Hearing/Adopt Resolution Nos. 03-93 (subdivision) and 03-94 (development agreement), with recommendation to forward to the City Council for approval.

5. **GENERAL PLAN AMENDMENT, GPA-03-06: CENTRAL-SOUTH COUNTY HOUSING:** A request to change the general plan land use designation on a .30 acre portion of property located on the northeast corner of the intersection of Central Ave. and McLaughlin from Multi-Family Medium to Multi-Family Low. (APN 726-24-002, 003, 006, & 007)

**Recommendation:** Open Public Hearing/ Approve Mitigated Negative Declaration/Adopt Resolution No. 03-95, with recommendation to forward to the City Council for approval.

6. **ZONING AMENDMENT, ZA-03-02/SUBDIVISION, SD-03-01/DEVELOPMENT AGREEMENT, DA-03-02: MCLAUGHLIN-JONES:** A request for approval of a precise development plan for an 18 unit single family attached development on a 2.17 acre site located on the east side of McLaughlin Ave., north of Central Ave and west of the Union Pacific railroad tracks. Also requested is the approval of a five lot subdivision and development agreement on a .67 acre portion of the site. The zoning on the project is R-2 3,500 and R-3, Single family low & medium density. A mitigated negative declaration is proposed for the project. (APN 726-24-002, 003, 006, & 007)

**Recommendation:** Open Public Hearing/Adopt Resolution Nos. 03-96 (zoning amendment), 03-97 (subdivision) and 03-98 (development agreement), with recommendation to forward to the City Council for approval.

7. **ANNEXATION, ANX-03-04/URBAN SERVICE AREA, USA-03-05/GENERAL PLAN AMENDMENT, GPA-03-05/ZONING AMENDMENT, ZA-03-17: BURNETT-MHUSD SOBRATO HIGH SCHOOL:** A request to annex and amend the Urban Growth Boundary and Urban Service Area for three parcels on the north side of Burnett Avenue east of Monterey Road totaling 27.7 acres. A General Plan amendment changing the land use designation from Rural County to Public Facilities with a zoning designation of Public Facilities is proposed for parcels 725-01-012 and 013. A zoning designation of R1-7,000 is proposed for parcel 725-01-021. (APNs 725-01-012, 013, & 021)

**Recommendation:** Open Public Hearing/Adopt Resolution Nos. 03-101 (general plan amendment), 03-100 (urban service area), 03-102 (zoning amendment) and 03-99 (annexation), and with recommendation to forward to the City Council for approval.

### **TENTATIVE UPCOMING AGENDA ITEM FOR THE DECEMBER 9, 2003 MEETING:**

- UP-03-09: Railroad-Frederico Enterprises (Lusamerica Fish Co.)
- ZA-03-16: City of M.H.-Sign Code Text Amendment
- UPA-88-05: El Toro-AT&T Wireless (formerly Cellular One)

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- **General Plan Update Annual Review**

**ANNOUNCEMENTS:**

**CITY COUNCIL REPORTS**

**ADJOURNMENT**

**SPEAKER CARD**

*IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.*

**NOTICE**

**AMERICANS WITH DISABILITY ACT (ADA)**

*The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.*

*If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.*

**NOTICE**

*NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.*

**NOTICE**

*The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.*